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MAY 27 2008

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims comply with 35 U.S.C. § 101. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address the issue raised in the outstanding Office Action. First, however, the undersigned would like to thank Examiner Bashore for courtesies extended during a telephone interview on May 20, 2008 ("the telephone interview"). During the telephone interview, proposed amendments to claim 17 to clearly recite statutory subject matter under 35 U.S.C. § 101 were discussed.

Rejections under 35 U.S.C. § 101

Claims 17-19, 21-24 and 26-32 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner contends that there is nothing in claim 17 that indicates that it includes hardware, and

therefore concludes that this claim could be interpreted as being directed to software per se. During the telephone interview, the undersigned proposed amending claim 17 to include at least one processing unit and at least one storage device storing program code. Such an amendment is supported, for example, by Figures 1 and 2, and page 9, lines 14-21. Examiner Bashore indicated that this should be sufficient to overcome the rejection under 35 U.S.C. § 101, but suggested further reciting that the at least one storage device is coupled with the at least one processing unit. Claim 17, as amended, further recites this feature.

Since claim 17, as amended, cannot be interpreted as being directed to software per se, it now clearly recites statutory subject matter. The preambles of dependent claims 18, 19, 21-24 and 26-32 have been amended to be consistent with amended claim 17. Thus, the applicant respectfully submits that the Examiner reconsider and withdraw this ground of rejection.

#### **Allowable Claims**

Pending claims 51-60 are allowed.

#### **Entry of Amendments**

As mentioned by the undersigned during the telephone interview, the outstanding Office Action should not have been made final since the previous amendments did not necessitate the new grounds of rejection. Indeed, rejected claims 17-19, 21-24 and 26-32 were previously indicated as being allowed. Therefore, the finality of

the outstanding Office Action should be withdrawn and the claim amendments should be entered for at least this reason.

Further, regardless of whether the finality of the outstanding Office Action is proper, the claims raise no new issues and would place the application into condition for allowance. Consequently, the foregoing claim amendments should be entered regardless of whether or not the outstanding Office Action was properly made final. During the telephone interview, Examiner Bashore indicated that he would enter such amendments (and if for some reason they didn't place the application into condition for allowance by overcoming the rejection under 35 U.S.C. § 101, he would notify the applicant to try to agree on any further amendments that might be necessary in order to place this application into condition for allowance).

### Conclusion

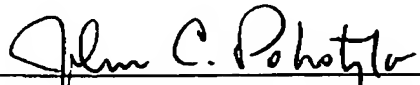
In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by

way of a continuation or divisional patent application  
for example.

Respectfully submitted,

May 27, 2008

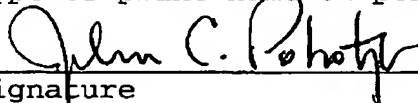
  
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